

HIGH COURT OF CHHATTISGARH, BILASPUR

M.A.No.388/2006

CORAM : Hon'ble Shri S.R.Nayak, Chief Justice &
Hon'ble Shri Dilip Raosaheb Deshmukh, Judge

Appellant/
Non-Applicant No.3 National Insurance Company Limited,
Branch Office, Korba, Through : Its
Divisional Manager, Divisional Office, Taha
Complex, Ring Road No.2, Bilaspur (C.G.)

Versus

Respondents
(Applicant No.1)
(Applicant No.2) 1. Sonau S/O-Amar Singh Yadav, aged 42
years.
2. Kuntala Bai W/O-Sonau Yadav, aged 35
years.
Both are R/O-Kattauid, P.O.-Kansa, P.S. &
Tahsil-Dabhara, Distt.-Janjgir-Champa
(C.G.)
(Non-Applicant No.1) 3. Nanki @ Shyam Kumar Chanda S/O-
Dharamlal Chanda, aged 31 years, R/O-
Kattauid, P.O.-Kansa, P.S. & Tahsil-Dabhara,
Distt.-Janjgir-Champa (C.G.)
(Non-applicant No.2) 4. Manmohan, S/O-Sadaram Chandra, R/O
Kattauid, P.O.-Kansa, P.S. & Tahsil-Dabhara,
Distt.-Janjgir-Champa (C.G.)

Shri Dashrath Gupta, Counsel for the appellant.

ORAL ORDER

(Passed on 26th June 2006)

The following oral order of this Court was passed by S.R.Nayak, C.J.

While assailing the impugned order, the only contention urged by the learned Standing Counsel for the appellant-Insurance Company, is that the tractor-trolley, involved in the accident was being used as a passenger and goods vehicle by respondents No.3 & 4, whereas the

said vehicle was insured only for agricultural purposes under farmers package policy. Though such a contention was raised in the written statement filed by the Insurance-Company before the M.A.C.T., it has utterly failed to prove that plea by adducing any evidence. It is needless to state that the burden to discharge that plea was on the Insurance-Company. Thus, there is no legal evidence to sustain the plea taken in the written statement. No other point was urged by the learned counsel for the appellant.

2. The appeal is devoid of merit and it is accordingly dismissed.
No costs.

Sd/-
Chief Justice

Sd/-
Dilip Raosaheb Deshmukh
Judge

Ajayani